

ORIGINAL

OPEN MEETING ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 OCT -8 P 3:24

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE ARIZONA
CORPORATION COMMISSION, ON ITS OWN
MOTION, TO ESTABLISH AN ARRAY OF
PUBLIC RAIL/HIGHWAY GRADE CROSSINGS
THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. RR-00000E-09-0021

STAFF'S NOTICE OF FILING

Staff hereby provides notice of filing the attached proposed order authorizing establishment Array of Public Rail/Highway Grade Crossings throughout the State of Arizona for the Commission's consideration. This is only a Staff recommendation to the Commission; it has not yet become an order of the Commission. The Commission can decide to accept, amend or reject Staff's proposed order. This matter is scheduled for Commission deliberation at its Open Meeting scheduled October 20 - 21, 2009.

RESPECTFULLY submitted this 8th day of October, 2009.

Charles H. Hains, Attorney
Legal Division
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

Original and thirteen (13) copies
of the foregoing were filed this
8th day of October, 2009 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Commission
mm

Copy of the foregoing mailed this
8th day of October, 2009-to:

Mr. Aziz Aman P.E.
Manager Public Projects
Union Pacific Railroad
2073 East Jade Drive
Chandler, AZ 85283

Mr. Nichols Swart
Dept. of Transportation
Maricopa County
2901 West Durango
Phoenix, AZ 85009

Mr. John Syers
Railroad Engineering Coordinator
ADOT-Utilities & Railroad Section
205 South 17th Ave., Mail Drop 618E
Phoenix, AZ 85007-3212

Mr. Michael Negrete
Project Manager
City of Phoenix
1034 East Madison Street
Phoenix, AZ. 85034-2292

Mr. Melvin Thomas
Manager Public Projects
Burlington Northern Santa Fe Railway
740 East Carnegie
San Bernardino, CA 92408

Mr. C. Rex Hartmann
Senior Street Division Coordinator
City of Chandler
Mail Stop 909
Box 4008
Chandler, AZ 85244-4008

Mr. Marc Pearsall
Senior Transportation Planner
City of Tempe
20 East 6th Street
Tempe, AZ 85281

Mr. Dan Cherry
Assistant County Engineer
Yavapai County
1100 Commerce Drive
Prescott, AZ. 86305

Mr. Chris Hamilton
Engineering Department
City of Avondale
11465 West Civic Center
Suite 120
Avondale, AZ 85323

Roseann Osorio

Mr. Gerald Schmidt
Town Manager
Town of Pima
110 West Center Street
Box 426
Pima, AZ 85543

Mr. Mark Ahlstrom, P.E.
City of Mesa
20 East Main Street
Box 1466
Mesa, AZ 85211-1466

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE ARIZONA
9 CORPORATION COMMISSION, ON ITS
10 OWN MOTION, TO ESTABLISH AN
11 ARRAY OF PUBLIC RAIL/HIGHWAY
12 GRADE CROSSINGS THROUGHOUT THE
13 STATE OF ARIZONA.

DOCKET NO. RR-00000E-09-0021

DECISION NO.

ORDER

14 Open Meeting
15 October 20 – 21, 2009
16 Phoenix, Arizona

17 BY THE COMMISSION:

18 **FINDINGS OF FACT**

19 1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the
20 allocation of funds for the installation of automatic warning signals and devices at public railroad
21 grade crossings and the determination of locations where the installation of automatic warning
22 signals should occur on that date.

23 2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission),
24 which has the exclusive power to determine and prescribe the manner and terms of installation of
25 warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public
26 railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.

27 3. Although numerous hazard index formulas have been proposed over many years to
28 assess the relative hazard of a grade crossing based upon some combination of its characteristics, no
29 one such formula, or combination thereof, has universal acceptance. The development of the array
30 and the determination of the warnings to be installed at crossings also involve the exercise of
31 judgement.

32 4. The array establishes crossings where the installation of automatic warning signals and

1 devices should be considered in accordance with the above referenced legislation, depending upon
2 the availability of monies, material, labor and other factors involved in such installation. The
3 inclusion of a crossing on the array, however, does not mean that existing warning signs or signals, if
4 any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing.
5 Conversely, a public crossing not appearing on the array does not exclude it from being improved
6 under this program if it becomes an increased hazard to safety prior to the issuance of the next annual
7 array.

8 5. The array first became effective on July 1, 1977. It is in the best interest of public
9 safety, considering the current state and federal appropriations which have been allocated for the
10 acquisition and installation of automatic warning signals and devices at public grade crossings in
11 Arizona, for the array to be supplemented as provided herein.

12 6. In order to promote the timely installation of warning signals and crossing upgrades,
13 Staff, with representatives of ADOT and the Federal Highway Administration, have determined that
14 an additional eight (8) crossings should be placed on the 2009 array for upgrading.

15 7. Staff has recommended that the array approved by the Commission in
16 Decision No. 70481 dated September 3, 2008, be reaffirmed and that the crossings listed in
17 Attachment 1 be added to the array.

18 CONCLUSIONS OF LAW

19 1. Some Public railway/highway grade crossings in Arizona are eligible to receive
20 Federal funds for the installation of automatic warning signals and devices under the 23 U.S.C.
21 § 130. These monies were appropriated in recognition of the public responsibility to improve safety
22 at railway/highway crossings, and may be used to pay one hundred (100) percent of the total
23 installation cost of each project.

24 2. Pursuant to the Commission's exclusive power over railway/highway crossings, the
25 array shall establish the public grade crossings in Arizona at which changes in signalization may be
26 made under A.R.S. Sections 40-337, *et seq.*

27 ...

28 ...

ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 70481, as well as the crossings listed on Attachment 1, be and hereby is approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capitol, in the City of
Phoenix, this _____ day of _____ 2009.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

SERVICE LIST FOR:
DOCKET NO. RR-00000E-09-0021

Mr. Jim Smith
Manager Public Projects
Union Pacific Railroad
10031 Foothills Blvd.
Roseville, CA 95747

Mr. John Syers
Railroad Engineering Coordinator
ADOT-Utilities & Railroad Section
205 S. 17th Ave., Mail Drop 618E
Phoenix, AZ 85007-3212

Ms. Megan McIntyre
Manager Public Projects
Burlington Northern Santa Fe Railway
740 East Carnegie
San Bernardino, Ca. 92408

Mr. Bob Roggenthen
Civil Engineering Manager
Pima County Department of Transportation
1313 South Mission Road
Tucson, AZ. 85713-1398

Mr. Donald Noble
Interim Public Works Director
Town of Queen Creek
22350 S. Ellsworth Road
Queen Creek, AZ. 85242

Mr. True Carr
President Alliance Lumber
6770 W. Northern Avenue
Glendale, AZ. 85303

Mr. David Gibson
ADOT-Traffic Engineering
206 S. 17th Ave., Mail Drop 064R
Phoenix, AZ 85007

Director
Pima County Public Works
201 N. Stone
Tucson, AZ 85701

1 Mr. Richard Nassi
2 Traffic Engineering
3 City of Tucson
4 Box 27210
Tucson, AZ 85726-7210

5 Mr. Nichols Swart
6 Dept. of Transportation
7 Maricopa County
2901 W. Durango
Phoenix, AZ 85009

8 Mr. Michael Negrete
9 Project Manager
10 City of Phoenix
1034 E. Madison Street
11 Phoenix, AZ. 85034-2292

12 Mr. Martin Roush
13 Town Engineer
14 Town of Sahuarita
850-B West Sahuarita Road
15 Box 879
Sahuarita, AZ. 85629

16 Mr. Norm Davis
17 Assistant County Engineer
18 Yavapai County
1100 Commerce Drive
19 Prescott, AZ. 86305

20 Mr. Harry Parsipe
21 Director of Public Works
22 Town of Wickenburg
155 North Tegner, Suite A
Wickenburg, AZ. 85390

23 Mr. Dale Wegner, P.E.
24 County Engineer
25 Coconino County
5600 East Commerce
26 Flagstaff, AZ. 86004

27 Nick Mascia
28 Traffic Engineer
City of Surprise
12425 W. Bell Road D-100
Surprise, AZ. 85374

1 Stu Seubert
2 City of Flagstaff
3 Capitol Improvements
4 211 W. Aspen Ave.
5 Flagstaff, AZ. 86001

6 Ken Vayda
7 City of Glendale
8 6210 W. Myrtle Ave. Suite 111
9 Glendale, AZ. 85301

10 Ferrin Crosby
11 Apache County Engineer
12 P.O. Box 238
13 St. Johns, AZ. 85936

14 Dennis Alvarez
15 County Engineer
16 Santa Cruz County
17 P.O. Box 1150
18 Nogales, AZ. 85628

19 Arturo Garino
20 Public Works
21 777 N. Grand Ave.
22 Nogales, AZ. 85621

23 Victor Gabilondo
24 Santa Cruz County Public Works
25 Congress Dr.
26 Nogales, AZ. 85621

27 Horacio Williams
28 Streets
113 S. 1st Street
Williams, AZ. 86046

Attachment 1

2009 Array

Proposed by Arizona DOT, September 9, 2009

ADOT

DOT Number	RR	MP	Location	Scope of Work	Estimated Costs	Exposure Index
Protective Devices						
025 617 C	BNSF		189.58 27th Avenue	Pre-signals	\$100,000	27,318.96
025 430 G	BNSF		189.62 Thomas	Pre-Signals	\$100,000	22,276.00
742 018 J	UP		1034.4 Palo Parado	Flashers & Gates	\$250,000	930.15
<i>Subtotal</i>					\$450,000	
Hazard Elimination						
025 725 Y	FZ		182.99 Cotton Rd	PCCP xing	\$100,000	20000
025 733 R	FZ		183.11 Olive Ave	PCCP xing	\$100,000	18000
025 451 A	BNSF		192.90 15th Ave	PCCP xing & sidewalks	\$200,000	9100
741 459 D	UP		905.20 15th Ave	PCCP xing & sidewalks	\$350,000	9100
741 775 B	UP		905.20 Apache Rd	PCCP xing	\$100,000	4716
<i>Subtotal</i>					\$850,000	